

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

PEOPLE v. COGSWELL (HENRY IVAN)

S158898 (D049038; San Diego County – SCN201693)
Argued in San Francisco 1-27-10

This case presents the following issue: Must a prosecutor request that an out-of-state sexual assault victim, who does not wish to return to California and testify, be taken into custody under the Uniform Act to Secure Attendance of Witnesses from without the State in Criminal Cases (Pen. Code, § 1334 et seq.) in order to demonstrate the due diligence required to satisfy the finding of unavailability under Evidence Code section 240 that would permit the victim's preliminary hearing testimony to be admitted into evidence at trial?

STOCKTON CITIZENS FOR SENSIBLE PLANNING et al. v. CITY OF STOCKTON et al.

S159690 (C050885; San Joaquin County – CV02475)
Argued in San Francisco 1-27-10

This case presents the following issue: Was plaintiffs' challenge to the approval of a Wal-Mart Supercenter project filed within the applicable statute of limitations on the theory that the approval was invalid and thus did not trigger the running of the limitations period?

Opinion(s) in the above case(s) will be filed on:

Thursday, April 1, 2010 at 10:00 a.m.
